1	AARON D. FORD		
2	Attorney General Erica Berrett (Bar. No. 13826)		
3	Senior Deputy Attorney General State of Nevada		
	Office of the Attorney General		
4	555 E. Washington Ave., Ste. 3900 Las Vegas, NV 89101		
5	(702) 486-3110 (phone) (702) 486-2377 (fax)		
6	EBerrett@ag.nv.gov  Attorneys for Respondents		
7	Thiorneys for Respondents		
8	UNITED STATES DISTRICT COURT		
9	DISTRICT OF NEVADA		
10	ROGER RANDOLPH,	Case No. 2:18-cv-00449-RFB-VCF	
11	Petitioner,	UNOPPOSED MOTION FOR	
12	VS.	ENLARGEMENT OF TIME TO FILE REPLY TO OPPOSITION TO	
13	RENEE BAKER, et al.,	RENEWED MOTION TO DISMISS (ECF NO. 68)	
14	Respondents.	(FIRST REQUEST)	
15			
16	Respondents move this Court for an enlargement of time of sixty (60) days from the current due		
17	date of November 21, 2022, up to and including January 20, 2023, in which to file their reply to		
18	Randolph's Opposition to Renewed Motion to Dismiss Second Amended Petition (ECF No. 68). This		
19	Motion is made pursuant to FED. R. CIV. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based		
20	upon the attached declaration of counsel. This is the first enlargement of time sought by Respondents to		
21	file a reply to opposition to renewed motion to dismiss, and the request is brought in good faith and no		
22	for the purpose of delay.		
23	DATED: November 21, 2022.		
24		Submitted by:	
25		AARON D. FORD	
26		Attorney General	
27		By: /s/ Erica Berrett Erica Berrett (Bar. No. 13826)	
28		Senior Deputy Attorney General	

## 

### 

# 

## 

# 

### 

# 

# 

# 

## 

28 | /

///

#### **DECLARATION OF ERICA BERRETT**

- I, ERICA BERRETT, being first duly sworn under oath, depose and state as follows:
- 1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I am responsible to represent Respondents in *Roger Randolph v. Renee Baker, et al.*, Case No. 2:18-cv-00449-RFB-VCF, and as such, have personal knowledge of the matters contained herein.
  - 2. This Motion is made in good faith and not for the purpose of delay.
- 3. The reply to Randolph's Opposition to Renewed Motion to Dismiss Second Amended Petition (ECF No. 68) is currently due November 21, 2022. I have been unable with due diligence to timely complete the reply.
- 4. Respondents were initially given only seven days to file this reply, in accordance with the local rules. *See* ECF No. 33 at 2. During this period, I have largely spent my time working on an amended answer in capital habeas matter *Guy v. Baca*, 2:11-cv-01809-APG-NJK, among other federal habeas matters. Looking forward, I need to continue to work on the answer in the capital habeas matter, *Byford v. Reubart, et al.*, 3:11-cv-00112-JCM-CSD, which is now on a fifth extension, due December 30, 2022, and for which the Court has indicated it is unlikely to grant further extensions. Moreover, I have an oral argument set on December 9, 2022, in the Ninth Circuit Court of Appeals for *Kelsey v. Baker*, 22-15557, 3:18-cv-00174-MMD-CLB, for which I have been preparing and need to continue my preparations.
- 5. In addition to these case-related responsibilities, my administrative responsibilities as a Senior Deputy have been especially time-consuming in recent months, as we have continued to have turnover within the Nevada Attorney General's Post-Conviction Division, and I am responsible for case assignment and reassignment for the large majority of federal habeas cases in the Division. I am also responsible to review the pleadings of multiple Deputies.
- 6. I have contacted Petitioner's counsel regarding this request for enlargement of time, and she does not oppose.

### Case 2:18-cv-00449-RFB-VCF Document 70 Filed 11/23/22 Page 3 of 4

1	7. Based on the
2	up to and including January
3	I declare under pena
4	Executed on Noven
5	
6	
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	i

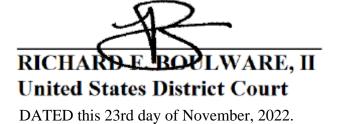
e foregoing, I respectfully request an enlargement of time of sixty (60) days, y 20, 2023, to file the reply.

alty of perjury that the foregoing is true and correct.

nber 21, 2022.

/s/ Erica Berrett Erica Berrett (Bar No. 13826) Senior Deputy Attorney General

IT IS SO ORDERED:



### **CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed the foregoing *Unopposed Motion for Enlargement of Time to File Reply to Opposition to Renewed Motion to Dismiss (First Request)* with the Clerk of the Court by using the CM/ECF system on November 21, 2022.

The following participants in this case are registered electronic filing system users and will be served electronically:

Shelly Richter Assistant Federal Public Defender 411 E. Bonneville Ave., Ste. 250 Las Vegas, Nevada 89101

/s/ C. Martinez

An employee of the Office of the Attorney General